

REMARKS

SUMMARY

Claims 1-48 are pending.

Claims 1-48 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ghouri, U.S. Publication No. 2004/0162835 (“Ghouri”), further in view of Mohapatra, U.S. Publication No. 2006/0149416 (“Mohapatra”).

APPLICANTS’ RESPONSE

In this Response, Applicants present arguments concerning the patentability of claims 1-48 to address the Examiner’s rejections. Applicants’ silence with regard to any aspect of the Examiner’s rejections of the dependent claims is based on Applicants’ contention that the rejections are moot based on Applicants’ remarks relative to the independent claim from which the dependent claims depend.

35 U.S.C. § 103 REJECTIONS

Claim 1 is directed to a method for categorizing a medical or a pharmaceutical product, and includes the feature, *inter alia*, of categorizing the product as a branded product or a generic product,” using an originator indicator, patent status indicator, source indicator, and tradename indicator. No such arrangement is disclosed in or suggested by *Ghouri* or *Mohapatra*, taken alone or in combination.

Ghouri discloses a “system and methodology by which patient-specific medication safety instructions and information is defined.” *Ghouri*, Abstract. However, *Ghouri* does not disclose or suggest categorizing a product as a branded or generic product. In contrast, *Ghouri*’s

techniques, rather than classifying a product as generic or branded, attempts to group all products which are the same, whether branded or generic, in a process *Ghouri* calls normalization.

Since medications are often identified by multiple names, e.g., different trade names and a generic name, the medication input data is normalized to account for various differing identifying names for the same medication. Normalization is the terminology used to describe the accounting process which takes place upon data entry of any one of an item's trade names, chemical description or generic name.

Ghouri, [0087]

Accordingly, because *Ghouri*'s normalization techniques attempt to group branded and generic products together under a single identifier, *Ghouri* does not disclose or suggest "categorizing the product as a branded product or a generic product, using said originator indicator, said patent status indicator, said source indicator, and said tradename indicator)" as recited in claim 1.

Mohapatra does not remedy the deficiencies of *Ghouri*. *Mohapatra* discloses "[a] system, software, and methods related to enhanced pharmaceutical order entry and administration by medical personnel, and enhanced pharmaceutical inventory control within a medical institution." *Mohapatra*, Abstract. However, nothing in *Mohapatra* discloses or suggests classifying a product as a generic or branded product. In fact, medications in *Mohapatra*'s system are already identified as branded or generic products. "The drug formulary 47 is preferably stored in database 42..." *Mohapatra*, [0091]. "[M]edications in the drug formulary 47 contain information about generic/brand name..." *Mohapatra*, [0093].

Nothing in *Mohapatra* discloses or suggests "categorizing the product as a branded product or a generic product, using said originator indicator, said patent status indicator, said source indicator, and said tradename indicator determined in steps (a) (d)" as recited in claim 1 because *Mohapatra* discloses that the database 42 already includes an indication of whether a

medication is branded or generic. Thus No need exists in *Mohapatra* to classify products as branded or generic. Accordingly, *Mohapatra* does not remedy the deficiencies found in *Ghourri*.

Applicants respectfully request the rejections to claim 1, and at least because of their dependence therefrom, claims 2-16. Claims 17 and 32 include similar features as claim 1. Applicants respectfully request withdrawal of the rejections to claims 17 and 32, and at least because of their dependence therefrom, claims 18-31 and 33-48, respectively, for at least the same reasons as claim 1.

CONCLUSION

Applicants respectfully submit that this application is now in condition for allowance. Reconsideration and prompt allowance of which are respectfully requested.

The Examiner is invited to contact the undersigned at (212) 408-2517 if any additional information or assistance is required.

Applicants believe that no additional fee is due in connection with the filing of this response. If any additional fee is due, or overpayment made, with regard to this response, Applicants authorize the Director to charge any such fee, and credit any overpayment, to Deposit Account No. 02-4377.

Respectfully submitted,

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